

GOVERNMENT OF TELANGANA

ABSTRACT

TRIBAL WELFARE DEPARTMENT – Telangana State – Bhadradri Kothagudem District – Chunchupalli village and Mandal – Revision Petitions filed by 1) Badavath Sitharam 2) Paladugu Laxman Rao and 3) Golusula Mallaiah against the orders of Addl.Agent to Government & Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District in CMA No.3/2016, dated 28.1.2017 in respect of land admeasuring acs.18.00 situated in Sy.Nos.137/1, 137/3, 137/4, 137/5, 137/6, 137/7, 137/8 and 137/9 in Chunchupalli (v) of Chunchupalli Mandal in Bhadradri Kothagudem District – Revision Petition filed by Sri BadavathSitaram S/o Bodka R/o. Chunchupally Village & Mandal of Bhadradri Kothagudem District – Allowed– Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.1

Dated:14-02-2023,
Read the following:-

- 1) Orders of the Agent to Government and PO, ITDA, Bhadrachalam in CMA No.3/2016, Dated 28.01.2017.
- 2) Revision Petition filed by Sri Badavath Seetharam (ST) Lambadi, S/o Bodka (Late) R/o: Chunchupally Village & Mandal of Bhadradri Kothagudem District, dated 8.2.2017 and stay petition dated 06.03.2017.
- 3) Revision Petition filed by Sri Paladugu Laxman Rao. S/o Subba Rao (Late) R/o:Chunchupally Village & Mandal of Bhadradri Kothagudem District, dated 9.03.2017
- 4) Revision Petition filed by Golusula Mallaiah, S/o Rajaiah (Late), R/o:Chunchupally (V) & (M) of Bhadradri Kothagudem Dist., dated 22.03.2017.
- 5) Proposed Implead Respondents Guguloth Laxmi, Guguloth Sunitha, Goguloth Jyothi, Goguloth Seetharamulu, Maloth Bhadri, Maloth Mangli, Lavudya Ramchandrar, Guguloth Mangilal, Guguloth Chandru, Bhukya Bhadri, Bhukya Neela, Lakavath Mangamma, Guguloth Vijaya, Banoth Dwali of Bhadradri Kothagudem Dist., dated 19.12.2017.
- 6) Proposed Implead Respondents, Kalluri Chandra mouli @ Mogili, Kalluri Kumara Swamy and Kalluri Sampath, Chunchupalli, Bhadradri Kothagudem district dated 28.04.2018.
- 7) Proposed Implead Respondents, Kalluri Mallesh, Chunchupalli Bhadradri Kothagudem district dated 27.09.2018.
- 8) Proposed Implead Respondents, Bhukya Hari, Bhukya Janardhan, Bhukya Dilsingh, Bhukya Umla, Bhukya Deeplal, Chunchupalli Bhadradri Kothagudem district dated 25.09.2019.
- 9) Proposed Implead Respondent Bhukya Mangilal, Bikkuthanda village, Bhadradri Kothagudem district dated 27.09.2018
- 10) Proposed Implead Respondent Eslavath Mangamma, Vidyanagar colony, Bhadradri Kothagudem district dated 27.09.2018.
- 11) Govt.Memo.No.1116/TW.LTR/2017, dated 3.3.2017, 25.3.2017.
- 12) Govt. Memo.No.1914/LTR.2/2017, dated 18.03.2017.
- 13) Orders of the SDC (TW) Palwancha, in LTR Case.No.1311/93/KGM dated 25.01.1994.
- 14) Orders of the SDC (TW) Bhadrachalam in LTR case.No.1/2010/KGM, dated 02.03.2010.
- 15) Orders of the SDC (TW) Bhadrachalam in LTR Case.No.110/2012/KGM, dated 14.08.2012.
- 16) From the Addl.Agent to Govt.& PO, ITDA, Bhadrachalam, Lr.RP No.1116/ 2017 (CMA.No.3/2016, dated 15.04.2017.
- 17) Govt.Memo.No.1914/LTR.2/2017, dated 20.10.2017 & 27.10.2017.
- 18) From the Dist.Collector, Bhadradri Kothagudem dist., Letter Rc.No.F2/2695 /2017, dated 10.11.2020.
- 19) Govt. Memo.No.1116/TW.LTR/2017, dated 08.01.2021.
- 20) From the Spl. Dy.Collector (TW), Bhadrachalam, B.K. Dist., letter Rc.No.LTR/CMA.No.3/16, dated 15.01.2021.

(Contd...2)

- 21) Govt. Memo.No.1116/TW.LTR/2017, dated 10.02.2021.
- 22) Hon'ble High Court order in WP.No.6734/2021 dated 18.03.2021.
- 23) From the Addl.Collector (Local Bodies) Bhadradi Kothagudem dist., Lr.Rc.No.F2/2695/2017, dated 21.05.2021.
- 24) Govt. letter No.1116/TW.LTR/2017, dated 12.07.2017, 20.10.2017, 12.12.2017, 03.01.2018, 25.01.2018, 27.02.2018, 17.05.2018, 14.06.2018, 29.08.2018, 17.12.2020, 08.01.2021, 16.06.2021, 8.7.2021, 23.5.2022
- 25) Written Arguments submitted by Revision Petitioners, Proposed Implead Respondents R4 to R28/their Counsels.

O R D E R :

1. In the references 2nd to 4th read above, Sri Badavath Sitaram S/o Bodka R/o Chunchupalli village and Mandal, Sri Paladugu Laxman Rao. S/o Subba Rao (Late), and Golusula Mallaiah, S/o Rajaiah (Late), Bhadradi Kothagudem District have submitted Revision Petitions before the Government against the orders of the Addl.Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.3/2016, dated 28.1.2017, in respect of land admeasuring acs.18.00 situated in Sy.Nos.137/1, 137/3, 137/4, 137/5, 137/6, 137/7, 137/8 and 137/9 in Chunchupalli (v) of Chunchupalli Mandal in Bhadradi Kothagudem District, vide reference 1st read above.
2. In the references 5th to 10th read above, Sri Guguloth Laxmi, Guguloth Sunitha, Goguloth Jyothi, Goguloth Seetharamulu, Maloth Bhadri, Maloth Mangli, Lavudya Ramchandrar, Guguloth Mangilal, Guguloth Chandru, Bhukya Bhadri, Bhukya Neela, Lakavath Mangamma, Guguloth Vijaya, Banoth Dwali Kalluri Chandra mouli @ Mogili, Kalluri Kumara Swamy and Kalluri Sampath, Chunchupalli, Kalluri Mallesh, Bhukya Hari, Bhukya Janardhan, Bhukya Dilsingh, Bhukya Umla, Bhukya Deeplal, Bhukya Mangilal, Bikkuthanda and Eslavath Mangamma have filed Petitions praying to implead them as Respondents as they are necessary parties.
3. In the reference 16th read above, the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam has submitted para-wise remarks and also the original record of LTR cases under CMA.No.3/2016.
4. In the reference 20th read above, the Special Deputy Collector (TW) (FAC), Bhadrachalam has submitted original record of LTR cases No.1311/93/KGM, 1/2010/KGM and 110/2012/KGM.
5. The Revision Petitioner Sri Badavath Sitaram has also filed the WP.No. 6734 of 2021 before the Hon'ble High Court for the State of Telangana. The Hon'ble High Court in the reference 22nd read above, while disposing Writ Petition, orderd to disposing the Revision Petition within a period of eight (8) weeks from the date of receipt of a copy of the order.
6. In the reference 23rd read above, the Additional Collector (Local Bodies) and SDC (TW), Bhadrachalam has submitted detailed Survey Report in respect of entire Sy.No.137 situated in Chunchupalli village and Mandal.
7. Accordingly, in the reference 24th read above, notices have issued and hearings were conducted on 19.08.2017, 28.10.2017, 23.12.2017, 20.01.2018, 17.02.2018, 17.03.2018, 26.05.2018, 28.07.2018, 15.09.2018, 23.12.2020, 23.01.2021, 26.06.2021, 17.07.2021, 10.06.2022 and 25.06.2022.
8. The case finally called on 25.06.2022, the Revision Petitioner, the proposed implead respondents, the counsel for revision petitioners, the counsel for proposal implead for respondents and Tahsildar, Chunchupalli were present.
9. The Revision Petitioners, proposed Implead Petitioners and their Counsels have submitted arguments both oral and written.

(Contd...3)

10. The brief history of the case is that initially Sri Badavath Sitharam S/o Bodka had filed an application before the Special Deputy Collector (Tribal Welfare), Bhadrachalam stating that an area of acs.26.02 gts in Sy.No.137/1, 137/3, 137/4, 137/5, 137/6, 137/7, 137/8, 137/9 of Chunchupalli (v) was purchased by Badavath Bodka who is father of Revision Petitioner 1 herein from one Kalluri Sanjeevaiah S/o Kalluri Komaraiah under simple sale deed dated 16/1/1967 and father of the Revision Petitioner 1 due to his necessity, sold an extent of acs.8.00 gts through registered sale deed No.68/1970 dated 28/1/1970 of Sub-Registrar, Yellandu to Revision Petitioner 2 herein Sri Paladugu Krishna Rao S/o P.SubbaRao, who is brother of P.Laxman Rao. Thus, the Revision Petitioner 1 and his father (late Bodka) were in the enjoyment of the remaining extent of 18 acres. Out of the said extent of acs.8.00 purchased by Paladugu Krishna Rao, an extent of acs.2.01 gts was acquired by the Government for public purpose and compensation was also paid while remaining acs.5.39 gts have been in possession of Paladugu Krishna Rao and later Krishna Rao had sold away the entire land to others.

11. The Revision Petitioner 3 herein i.e. Sri Golusula Mallaiah S/o Rangaiah had purchased an extent of acs.17.30 gts in the name of his wife Smt.G.Kanakamma through simple sale deed which is situated adjacent to the property of the Revision Petitioner 1 on the western side. The Tahsildar, Yellandu had issued proceedings U/s 50 B of AP (TA) Tenancy and Agricultural Land Act, 1950 to Golusula Kanakamma for the extent of acs.17.30 gts.

12. As the non-tribals i.e. RP2 and RP3 herein had illegally occupied the extent of 18 acres of RP1, the RP1 pleaded before the Special Deputy Collector (TW) and the said authority after causing enquiry and taking into consideration of pahanies of 1970 to 2011, cist receipts reflecting name of RP1, passed orders on 14.8.2012 in LTR Case No.110/2012/KGM to restore possession of 18 acres to the tribal i.e. RP1 herein Sri Badavath Sitharam.

13. The orders of the Special Deputy Collector were challenged by RP2 and RP3 in Appeal before the Additional Agent to Government, Bhadrachalam which was numbered as CMA 3/2016 and disposed on 28.1.2017 directing the Tahsildar, Chunchupalli to take over the land into Government possession as the land neither belongs to RP1 and RPs 2 and 3 who violated LTR provisions.

14. Aggrieved by the above orders, Sri Badavath Sitharam, Sri Paladugu Laxman Rao and Sri Golusula Mallaiah have filed Revision Petitions before the Government separately. At the first instance, stay was granted on 18.3.2017 vide Memo.No.1914/TW.LTR/2017 and later i.e. on 25.3.2017 status quo has been ordered.

15. Meanwhile, R4 to R28 have filed Implead Petitions claiming that they purchased land from RP3 Golusula Mallaiah.

16. During hearings, on the request of the Counsels of all parties, detailed survey has been ordered in Sy.No.137. The Additional Collector (Local Bodies) and Special Deputy Collector (TW), Bhadrachalam has conducted detailed survey and submitted report to Government vide ref.No.F2/2695/2017, dated 21.5.2021.

17. Government upon perusal of following documents and considering sada sale agreements dated 16.01.1967, 18.7.1968 of RP1, the Revision Petition filed by RP1 Sri Badavath Sitharam is hereby allowed upholding orders of Special Deputy Collector (TW) Bhadrachalam in LTR Case No.110/2012/KGM, dated 14.8.2012 setting aside orders of Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.3/2016, dated 28.1.2017.

i) Documents available on the record of Special Deputy Collector (TW), Bhadrachalam in LTR case No.1/2010/KGM.

ii) Documents available on the record of Special Deputy Collector (TW), Bhadrachalam in LTR case No.110/2012/KGM.

(Contd...4)

- iii) Documents available on the record of Addl.Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.3/2016.
- iv) Para-wise remarks submitted by the Addl. Agent to Govt. & Project Officer, ITDA Bhadrachalam vide reference RP No.1116/2017 (CMA No.3/2016), dt.15.04.2017.
- v) Lists of plot/house-owners presently on ground in the schedule land of acs.18.00 in Sy.Nos.137/1,3,4,5,6,7,8 and 9 (submitted by Tahsildar, Chunchupalli dt.25.6.2022).
- vi) Detailed Survey Report submitted by the Additional Collector (Local Bodies), Bhadradri Kothagudem (FAC Special Deputy Collector-Tribal Welfare, Bhadrachalam) vide Ref.No.F2/2695 /2017, dt.21.5.2021.
- vii) Grounds of Revision Petition, Counter Affidavit and Written Arguments submitted by Revision Petitioner Sri Badavath Sitharam and his Counsels during hearings.
- viii) Grounds of Revision Petition submitted by Sri Paladugu Lakshman Rao, RP2.
- ix) Grounds of Revision Petition and Written Arguments submitted by Revision Petitioner Sri Golusula Mallaiah, RP3 and his Counsel during hearings.
- x) Petitions/Arguments of Proposed Implead Respondents R4 to R28 and their Counsels.

18. Accordingly, the Revision Petitions of RP2, RP3 and proposed Implead Petitions of R4 to R28 are dismissed as there are no merits.

19. The Collector, Bhadradri Kothagudem and the Additional Agent to Government, Bhadrachalam, Bhadradri Kothagudem District shall take further necessary action as per Rule 7 (4) of LTR Rules, 1969.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT

To
The Collector and District Magistrate, Bhadradri Kothagudem district.
The Addl. Agent to Govt. & Project Officer, ITDA, Bhadrachalam,
Bhadradri Kothagudem, District.
The Special Deputy Collector(TW), Bhadrachalam,
Bhadradri Kothagudem District.
The District Tribal Development Officer,
Bhadradri Kothagudem District.
The Tahsildar/Dy.Tahasildar, Chunchupalli Mandal, Bhadradri Kothagudem District.
Sri Badavath Sitharam, S/o: Bodka, H.no.5-1-147/2, Badavath Tanda,
R/o: Chunchupalli Village & Mandal, Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)(By RPAD)
Sri Paladugu Laxman Rao, S/o: Late Subba Rao,
R/o: N.K.Nagar, Chunchupalli Village & Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
Sri Golusula Mallaiah, S/o: Rajaiah,
R/o: Chunchupalli Village & Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)

(Contd...5)

- Smt.Guguloth Laxmi, W/o Bheema,
R/o 2-55, Karivarigudem, Julurpadu Mandal,
Bhadradri Kothagudem Dist. & (13) others
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Smt.Guguloth Suneetha, W/o. Lalu, R/o. H.No.7-69,
Railwaystation , Bethampudi, Sujathanagar Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Smt.Guguloth Jyothi, W/o. Tulasiram,
R/o. H.No.4-35, Pinareddygudem village, Gopalapuram Post,
Garla Mandal, Mahabubabad District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Guguloth Seetharamulu, S/o. Nanu,
H.No.5-9-11, Nehrunagar, Yellandu,
Khammam District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Maloth Bhadri, S/o. Somla,
R/o. Laxmidevipalli, Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Maloth Mangli, W/o. Seetharam,
R/o. Barlagudem, Ponnakal, Kakupalli, Khammam District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Lavudya Ramchandar, S/o.Bhikya,
Pettathanda, Khammam Rural, Khammam District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District) (By RPAD)
- Sri Guguloth Mangilal, S/o. Veeranna,
Venkatapuram Panchayat, Bayyaram Mandal,
Khammam District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Guguloth Chandru, S/o. Narsing,
R/o. H.No.2-210, Seethampeta Banjar,
Sujathanagar Mandal, Bhadradri Kothagudem District
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bhukya Bhadri, W/o. Chinna Mangya,
R/o. Gandhinagar Village, Anantharam Gram Panchayat,
Julurupadu Mandal, Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bhukya Neela, W/o. Veeranna, R/o. H.No.1-124,
Bommanapalli, Tekulapally Mandal, Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Lakavath Mangamma, W/o. Ganesh,
R/o. Prasanthinagar, Laxmidevipalli Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Guguloth Vijaya, W/o. Chandru, H.No.1-42,
Gopathanda, Machinapeta, Julurpadu Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)

- Sri Banoth Dwali, W/o. Chandu,
R/o. Punukula Village, Payamvari Yanambailu Gram Panchayat,
Palwancha Mandal, Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Kalluri Chandramouli,
S/o. Late Sanjeevaiah@Sanjaiah,
R/o. H.No. 5-1-175, N.K.Nagar, Chunchupalli Village & Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Kalluri Kumara Swamy S/o. Chandramouli
R/o. H.No. 5-1-175, N.K.Nagar, Chunchupalli Village & Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Kalluri Sampath S/o. Chandramouli
R/o. H.No. 5-1-175, N.K.Nagar, Chunchupalli Village & Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Kalluri Mallesh, S/o. Late Sanjeevaiah@Sanjaiah
H.No. 5-1-82, N.K.Nagar, Chunchupalli Village & Mandal,
Bhadradri Kothagudem District.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bhukya Hari S/o. Teeku, R/o. H.No. 1-1-34, Chunchupally Thanda(V),
Chunchupalli Mandal, Bhadradri Kothagudem District
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bhukya Janardhan S/o. Laxma. R/o. H.No. 1-1-21,
Chunchupally Thanda(V),
Chunchupalli Mandal, Bhadradri Kothagudem District
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bhukya Dalsingh, S/o.Balu, R/o. H.No. 5-1-14A,
Bhadavath Thanda(V), NK Nagar Panchayath,
Chunchupalli Mandal, Bhadradri Kothagudem District
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bhukya Umla, S/o.Ramji, R/o. H.No. 1-1-22,
Chunchupally Thanda(V),
Chunchupalli Mandal, Bhadradri Kothagudem District
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bhukya Deeplal, S/o.Nanu, R/o. H.No. 1-1-20,
Chunchupally Thanda(V),
Chunchupalli Mandal, Bhadradri Kothagudem District
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Sri Bukya Mangilal S/o Ramachander, occ:Agriculture,
R/o 3-37, Bikkuthanda village, Somulagudem (G.P),
Bhadradri-Kothagudem Dist.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)
- Smt.Eslavath Mangamma, W/o. Hari, Age 35 years,
R/o.H.No.3-1-391, Vidyanagar Colony,
Kothagudem, Bhadradri Kothagudem Dist.
(Through the Tahsildar, Chunchupalli Mandal,
Bhadradri Kothagudem District)

Copy to:-

The Government Pleader (SW) HC of TS, Hyderabad.

(Contd...7)

Sri G.Vasantha Rayudu, G. Sathish Kumar, Advocates,
Flat No. 16, Surya Complex, Durya Nagar Colony,
Panjagutta, Hyderabad (Counsel for Badavath Sitharam(RP1))
Sri N.Indrasena Reddy & P.Ananth Nageshwar Rao, Advocate,
Flat No.308, S.R.Apartment, Ravindrangar Colony,
Street -8, Hyderabad-07. (Counsel for Golusula Mallaiah(RP2))
M/s. M.K. Raj Kumar & B. Vijay Kumar, Advocates,
Flat No. 402, Thirumala Complex, Sharada Nagar,
Gudimalkapur, Mehidipatnam, Hyderabad.
(Counsel for Paladugu Laxman Rao(RP3))
M/s. P.V.Ramana, E.R.Savithri, P.Laxmi Priya,V.Baby Rani,
Advocates H.No. 6-3-656, Flat No. 1, Banjara Sangeet Apts.,
Kapadiaya Lane, Somajiguda, Hyderabad-500082
(Counsel for R4-R17 &R28)
Sri T.L.K. Sharma, Surya Balu Mahendra, Advocates, 1-3-183/40/68/C/2,
Opp: Play Ground-2, SBI Colony, Gandhinagar,
Hyderabad -50008 (Counsel for R18-R26)
Sri Bheesha Ramesh, Advocate Khammam (Counsel for RP3)
The PS to Hon'ble Minister (ST Welfare) for information
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER